IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
Arbitration Application No.27 of 2005

M/s.Uday Shimpi — Applicant
Vs.
Map Builders Pvt.Ltd. — Respondent

Mr.D.N.Hungund for applicant.

Mr.C.Balsara i/b Divya Shah Associates for respondent.

CORAM: B.H.MARLAPALLE, J.

March 03, 2006.

P.C.

. This is an application for appointment of an arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 pursuant to the development agreement dated 9/5/2000. Clause 37 of the said agreement provides for reference for arbitration in case of disputes and differences that may arise between the parties in regard to the development agreement.

. The learned counsel for the respondent - developer referred to the Civil Suit No.816 of 2002 that was filed before the City Civil Court at Mumbai and the learned counsel for the applicant states that the said Suit came to be dismissed in non prosecution.

. By consent of the parties Hon'ble Mr.Justice D.M. Rege (Retd.) is hereby appointed as the sole arbitrator for adjudicating the claim of the applicant as raised vide letter dated 2nd December 2004.

. The parties to appear before the sole arbitrator within a period of three weeks from today and shall finalise the further terms of arbitral proceedings including fees and time span etc. Needless to mention all the contentions relating to the respective rights of the parties are left open.

. The application is disposed off accordingly and a copy of this order be forwarded to Hon'ble Mr. Justice D.M. Rege (Retd.).

(B.H.MARLAPALLE,J.)